

BILL NO. Z-70-10- 17

ZONING MAP ORDINANCE NO. Z- Leet

AN ORDINANCE amending the Official City of Fort Wayne Zoning Map, dated September 16, 1969.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

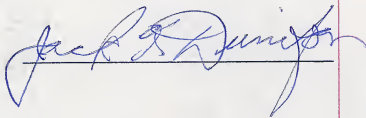
SECTION 1. That the area described as follows is hereby designated a Mobile Home Park District under the terms of Chapter 36, Municipal Code of the City of Fort Wayne, Indiana, 1946, as amended by General Ordinance No. 2836 and amendments thereto; and the symbols on the OFFICIAL CITY OF FORT WAYNE ZONING MAP" dated September 16, 1969, referred to therein, established by Section 9, Article III of said Chapter as amended, are hereby changed accordingly, to-wit:

Part of the South half of the Southwest quarter of Section 3, Township 29 North, Range 12 East, in Allen County, Indiana, more particularly described as follows, to wit:

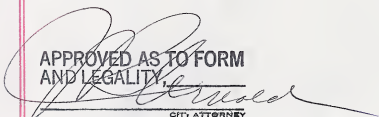
Beginning at a point on the South line of the Southwest quarter of Section 3, Township 29 North, Range 12 East, in Allen County, Indiana, said point being situated South 87 degrees 30 minutes West 651.7 feet from the South quarter corner of said Section 3, said point being also in the centerline of Ferguson Road; thence North 2 degrees 30 minutes West 276.53 feet; thence North 87 degrees 30 minutes East 321.1 feet parallel to said South line of Southwest quarter to the West line of the East 10 acres of the South half of the Southwest quarter; thence North 1045.8 feet along said West line of the East 10 acres to the North line of the said South half; thence West 2033.7 feet along said North line of South half to a point situated 212.79 feet East of the East right of way

of State Road 1, said point being also the Northeast corner of a one acre tract heretofore conveyed in Deed Record 390, page 73; thence South 208.71 feet parallel with the centerline of said State Road 1 and the West line of the Southwest quarter of Section 3; thence West 207.79 feet parallel to said South line of Southwest quarter to the aforesaid East right of way line of State Road 1; thence South 68.3 feet along said right of way line; thence Southwesterly 124.2 feet continuing along said right of way to the intersection of the Northeasterly line of a 7.34 acre tract heretofore conveyed by Deed Record 541, page 337; thence Southeasterly 252.1 feet along said Northeasterly line of 7.34 acre tract; thence North 87 degrees 30 minutes East 912.2 feet parallel to said South line of Southwest quarter; thence South 2 degrees 30 minutes East 465 feet to a point situated 241.7 feet North of said South line of Southwest quarter; thence North 87 degrees 30 minutes East 129.1 feet parallel to said South line of Southwest quarter; thence South 2 degrees 30 minutes East 38 feet; thence North 87 degrees 30 minutes East 626.1 feet parallel to said South line of Southwest quarter; thence South 2 degrees 30 minutes East 208.7 feet to the South line of Southwest quarter; thence North 87 degrees 30 minutes East 112.4 feet along South line of Southwest quarter to the place of beginning, containing 43.688 acres.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and legal publication thereof.



APPROVED AS TO FORM
AND LEGALITY


CITY ATTORNEY

Read the first time in full and on motion by Dunifon seconded by

Rousseau and duly adopted, read the second time by title and referred to the (Committee on) Regulations (and to the City Plan Commission for recommendation) (~~and Public Hearing to be held after due legal notice,~~ ~~at the Council Chambers, City Hall, Fort Wayne, Indiana, on~~ ~~the~~ ~~_____ day of _____ 196~~ ~~_____ at _____ o'clock~~ ~~P.M., E.S.T.~~

Date: 10-13-70

Frank G. Bonachoon
City Clerk

Read the third time in full and on motion by Dunifon

seconded by Rousseau and duly adopted, placed on its passage.

~~Passed~~ (LOST) by the following vote:

AYES 0, NAYS 7, ABSTAINED , ABSENT 2 to-wit:

Adams	_____	<u>✓</u>	_____	_____
Dunifon	_____	<u>✓</u>	_____	_____
Fay	_____	_____	_____	<u>✓</u>
Geake	_____	<u>✓</u>	_____	_____
Nuckols	_____	<u>✓</u>	_____	_____
Robinson	_____	_____	_____	<u>✓</u>
Rousseau	_____	<u>✓</u>	_____	_____
Steigerwald	_____	<u>✓</u>	_____	_____
Tipton	_____	<u>✓</u>	_____	_____

Date 12-15-70

Frank G. Bonachoon
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (Zoning Map) (~~General~~) (~~Annexation~~) (~~Special~~) (~~Appropriation~~) Ordinance (~~Resolution~~) No 2

on the _____ day of _____, 196 _____.

ATTEST: (SEAL)

City Clerk

Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day of _____, 196 _____ at the hour of _____ o'clock _____ M., E.S.T.

City Clerk

Approved and signed by me this _____ day of _____, 196 _____, at the hour of _____ o'clock _____ M., E.S.T.

Mayor

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on October 13, 1970, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-70-10-17; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

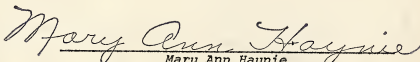
WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on November 16, 1970;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO NOT PASS for the reasons that no need has been shown for the Land Use Plan to be amended, the amendment will not be in the best interest of and benefit to the area involved and of and to the city, and the amendment will be detrimental to and conflicts with the overall city plan;

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held November 23, 1970.

Certified and signed this
24th day of November 1970.


Mary Ann Haynie
Secretary

Bill No. Z-70-10-17

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance

amending the Official City of Fort Wayne Zoning Map, dated September 16, 1969,

Lost

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance *Do not* PASS.

JACK K. DUNIFON, Chairman

EDWIN J. ROUSSEAU, Vice-Chairman

THOMAS G. ADAMS

WILLIAM K. GEAKE

PHIL A. STEIGERWALD

Jack K. Dunifon
Edwin J. Rousseau
Thomas G. Adams
William K. Geake
Phil A. Steigerwald

CONCURRED IN

DATE 12-15-70 RUAD G. BONAHOOM, CITY CLERK

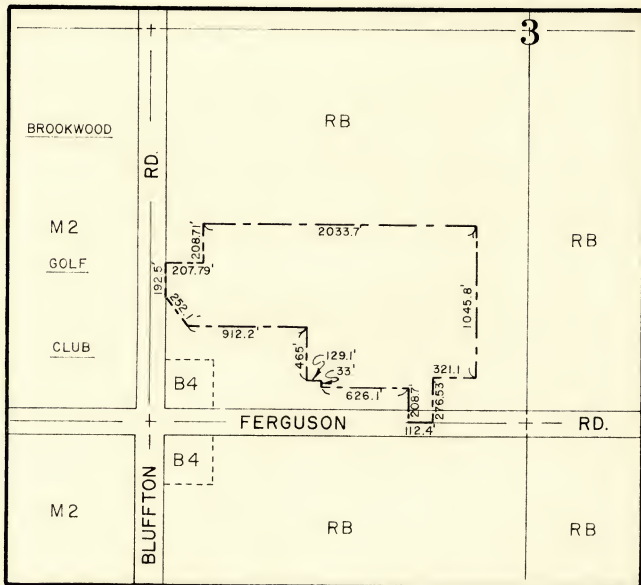
RECEIPT

No 31

GENERAL FUND

FT. WAYNE, IND. Aug 21, 1970RECEIVED FROM Gerald Carrington & Edwin Harmoning \$ 2500THE SUM OF Twenty - Five and no/100 ¹⁰⁰ DOLLARSON ACCOUNT OF Ret. to reserve - Part of \$ 1 1/2 of Sec. 1 of
Sec. 3, Ind. 1970 N. Ind. 1970 E. 1/4 ofK. Ostman

AUTHORIZED SIGNATURE



TO ESTABLISH A MOBILE HOME PARK
(M.H.P) DISTRICT

Z-70-10-17

N



PETITION TO REZONE

We, the undersigned, being the owners of more than fifty-one (51) percent of the real estate hereinafter described, do hereby respectfully petition the Common Council to enact an ordinance to establish an Mobile Home Park (M.H.P.) District, the real estate described as follows, to-wit:

Part of the South half of the Southwest quarter of Section 3, Township 29 North, Range 12 East, in Allen County, Indiana, more particularly described as follows, to wit:

Beginning at a point on the South line of the Southwest quarter of Section 3, Township 29 North, Range 12 East, in Allen County, Indiana, said point being situated South 87 degrees 30 minutes West 651.7 feet from the South quarter corner of said Section 3, said point being also in the centerline of Ferguson Road; thence North 2 degrees 30 minutes West 276.53 feet; thence North 87 degrees 30 minutes East 321.1 feet parallel to said South line of Southwest quarter to the West line of the East 10 acres of the South half of the Southwest quarter; thence North 1045.8 feet along said West line of the East 10 acres to the North line of the said South half; thence West 2933.7 feet along said North line of South half to a point situated 212.79 feet East of the East right of way line of State Road 1, said point being also the Northeast corner of a one acre tract heretofore conveyed in Deed Record 390, page 73; thence South 208.71 feet parallel with the centerline of said State Road 1 and the West line of Southwest quarter of Section 3; thence West 207.79 feet parallel to said South line of Southwest quarter to the aforesaid East right of way line of State Road 1; thence South 68.3 feet along said right of way line; thence Southwesterly 124.2 feet continuing along said right of way to the intersection of the North-easterly line of a 7.34 acre tract heretofore conveyed by Deed Record 541, page 337; thence Southeasterly 252.1 feet along said Northeasterly line of 7.34 acre tract; thence North 87 degrees 30 minutes East 912.2 feet parallel to said South line of Southwest quarter; thence South 2 degrees 30 minutes East 465 feet to a point situated 241.7 feet North of said South line of Southwest quarter; thence North 87 degrees 30 minutes East 129.1 feet parallel to said South line of Southwest quarter; thence South 2 degrees 30 minutes East 39 feet; thence North 87 degrees 30 minutes East 626.1 feet parallel to said South line of Southwest quarter; thence South 2 degrees 30 minutes East 208.7 feet to the South line of Southwest quarter; thence North 87 degrees 30 minutes East 112.4 feet along South line of Southwest quarter to the place of beginning, containing 43.688 acres.

Edwin T. Harmer

Quail D. Cunningham

REMONSTRANCE

The undersigned, constituting property owners adjacent to a 43.688 acre tract of ground at the Northeast corner of Ferguson Road and the Bluffton Road, proposed to be rezoned from an R-B district to a MHP Mobile Home Park District, hereby remonstrate against the proposed rezoning and in support thereof assert the following facts for consideration by the Commission:

1. The development of 43.688 acres to a Mobile Home Park would not be the best and highest use for the proposed premises which are wholly residential in nature, completely surrounded by residences which have recently been constructed.
2. There already exists in the immediate vicinity of the area of the proposed rezoning two mobile home parks which have been authorized by this Plan Commission but yet have not been developed. One of the mobile home parks is on the Dunkelberg Road, approximately One (1) mile North of this 43.688 acre tract and another is approximately One and one-half (1-1/2) miles North and a half (1/2) mile West. Therefore, there already exists a saturation of mobile home parks available for the area.
3. No proposed plot plan or no plans have been submitted to the Commission or to any of these remonstrators, indicating the intended use or indicating that to this date there has been any development or affirmative steps taken toward the development of a mobile home park. Consequently, the proposed rezoning is wholly speculative and would only have the effect of preventing proper residential development of the area affected by the rezoning.
4. At present, there is a total lack of any drainage adequate to service the area proposed to be rezoned.
5. There are no schools in the vicinity which would serve the needs of high density population which would be afforded by a mobile home park on this tract.

6. Each of the undersigned constitutes property owners who have constructed residential homes at substantial expense to them. The majority of the undersigned constitute persons who have purchased property from the predecessor in title to the present petitioners. Each of said purchasers who have acquired property from the former owner of the 43.688 acre tract have included in their deed the following covenant:

"Subject to a provision that there shall be only one dwelling house erected on said real estate."

As a result of said covenant, the predecessor in title to the 43.688 acres has implicitly limited the use of his premises to dwelling homes which would not include mobile homes. Consequently, the Petition at this time to rezone the premises for uses other than residential homes constitutes a fraud on each of the persons who purchased an erected house in reliance upon the covenant from the prior owner of the current petitioners.

7. There constitutes adequate mobile home sites South on the Bluffton Road by about three (3) miles which are currently unoccupied and unused.

8. The granting of this rezoning at this time would be wholly speculative, would serve no present intended use, and would have the simple effect of preventing the orderly and logical development of the premises affected by this rezoning along residential lines which constitutes the highest and best use of the premises involved.

For the information of the Commission, the undersigned who constitute persons who have purchased homes which are a part of the same tract now proposed to be rezoned, have so identified themselves by numbers which are co-related to a plot map, attached hereto and made a part hereof and marked "Exhibit A".

Dallas F. Smith

Leap L. Smith

H. C. Smith

Edick B. Dettmer

~~Edward Maldeney~~

Marine Blumery

J. M. Schaefer

Ruth Schaefer

Carl W. Fager

PATRICK = ACF

1702 FERGUSON RD FT. WAYNE, IND

1702 Ferguson Rd. Ft Wayne Ind.

931 FERGUSON RD.

931 Ferguson Rd.

~~346 Ferguson Rd.~~

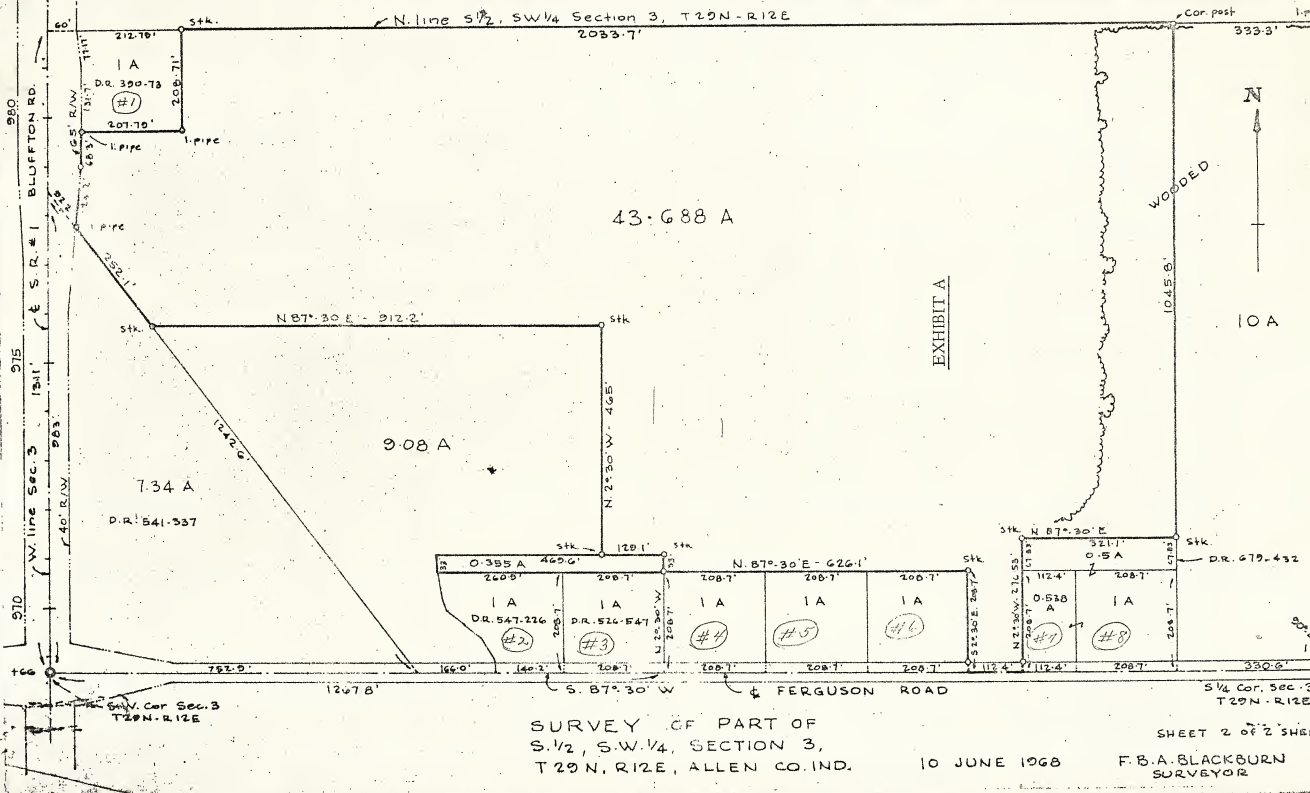
9902 Thiele

1815 Ferguson

1815 Ferguson Rd.

2012 Ferguson Rd.

2012 Ferguson Rd.



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1. Harold J. Guyot

2. Henry S. Weikel

3. Warren E. Wickliffe

4. Chauncey V. Henschen
1930 Ferguson Road

5. Jerry A. Reynolds
1926 Ferguson Road

6. Louis D. Jacob
1904 Ferguson Road

Earl A. Hoke

~~Harold J. Guyot~~
M. Driver

Clyde H. Hanson

Ronald Ewing

Everett C. Somers

Deane Noel

Wern Mathias

Joel D. Elsten

Mrs Oakley Biddle

Mr. Robert L. Dunlap

Mrs Robert R. Dunlap

Maurice L. Ruiz

7. Bertha B. Garrett

1808 Ferguson Rd.

Edna S. Guyot

Isaac M. Weikel

Nelga Wickliffe

Edith Beatrice Henschen
1930 Ferguson Road

Ruth Ann Reynolds
1926 Ferguson Rd

Florence M. Jacobs
1904 Ferguson Rd

Flourence E. Hoke

~~Edna S. Guyot~~

Oakley & Stanton

Joan Ewing

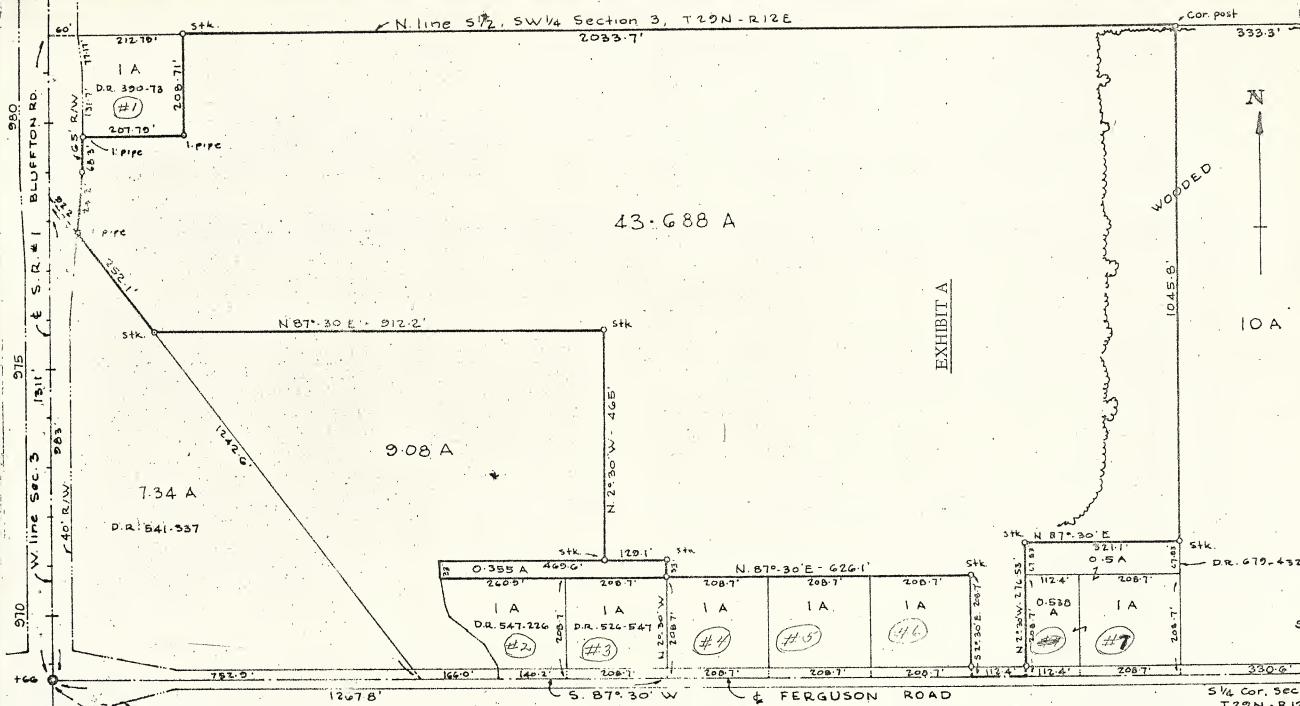
Frieda E. Somers

Jean Elsten

Charles Walter

Raymond Garrett

1808 Ferguson Rd.



SURVEY OF PART OF
S $\frac{1}{2}$, S.W. $\frac{1}{4}$, SECTION 3,
T29N, R12E, ALLEN CO. IND.

10 JUNE 1968

F.B.A. BLACKBURN
SURVEYOR

SHEET 2 OF 2 SHEETS